

Excerpts
Planning Commission Minutes
April 12, 2006

Application No. UP-699-06, Mark and Beth Saunders: Request for a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize a 386-square foot detached accessory apartment on a 0.64-acre parcel of land located at 114 August Drive (Route 1292) approximately 725' west of its intersection with Old Seaford Road (Route 787) and further identified as Assessor's Parcel No. 25M-8-4-5. The property is zoned RR (Rural Residential) and is designated Low Density Residential in the Comprehensive Plan.

Earl W. Anderson, AICP, Planner, summarized the staff report dated March 24, 2006, in which the staff recommended approval.

Chair Ptasznik opened the public hearing.

Ms. Elizabeth Saunders, 114 August Drive, spoke in favor of her application. Her family has lived in the house for 10 years, she said, and the garage is approximately 15 years old. The requested accessory apartment would be used as an office or an occasional spare bedroom.

Seeing no others, the Chair closed the public hearing.

Mr. Hamilton moved to adopt proposed Resolution No. PC06-9, and it was approved unanimously.

Resolution No. PC06-9

On motion of Mr. Hamilton, which carried 7:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT
TO AUTHORIZE A DETACHED ACCESSORY APARTMENT AT 114 August
Drive

WHEREAS, Mark and Beth Saunders have submitted Application No. UP-699-06 to request a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling on a 0.64-acre parcel of land located at 114 August Drive (Route 1292) and further identified as Assessor's Parcel No. 25M-8-4-5 (GPIN #U08b-3062-4690); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 12th day of April, 2006, that Application No. UP-699-06 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, for a detached accessory apartment in conjunction with a single-family detached dwelling on a 0.64-acre parcel of land located at 114 August Drive (Route 1292) and further identified as Assessor's Parcel No. 25M-8-4-5 (GPIN #U08b-3062-4690) subject to the following conditions:

1. This use permit shall authorize a detached accessory apartment in conjunction with a single-family detached dwelling to be contained in an existing detached structure on a 0.64-acre parcel of land located at 114 August Drive (Route 1292) and further identified as Assessor's Parcel No. 25M-8-4-5 (GPIN #U08b-3062-4690).
2. The apartment shall be contained within the existing structure located on the western side of the subject property as indicated on the sketch plan submitted by the applicant titled "Seaford Shores, Section four, York County, Virginia" prepared by Campbell Land Surveying, Inc. dated 6/12/96 and received by the Planning Division on February 24, 2006.
3. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
4. Habitable floor area of the accessory apartment unit shall not contain in excess of 386 square feet.
5. The accessory apartment unit shall contain no more than one (1) bedroom.
6. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.
7. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.
8. In accordance with Section 24.1-407(k) of the County Zoning Ordinance, prior to issuance of a building permit for the accessory apartment, the applicant shall be responsible for recording a deed restriction document with the Clerk of the Circuit Court stipulating that the subject accessory apartment will be used, occupied and maintained in accordance with standards and restrictions set forth in Section 24.1-407 of said Ordinance. A Court-certified copy of the document shall be submitted to the County at the time of building permit application.
9. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the Resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval or issuance of a Certificate of Occupancy, whichever occurs first.

10. Be it further resolved that this Special Use Permit is not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

ppl
UP699excr